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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,966	04/20/2007	Katsuichi Yagisawa	0649-1323PUS1	1502
2292 7590 12/17/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER DUNWOODY, AARON M				
ART UNIT 3679		PAPER NUMBER		
NOTIFICATION DATE 12/17/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/583,966

Applicant(s)

YAGISAWA ET AL.

Examiner

Aaron M. Dunwoody

Art Unit

3679

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4-8 are rejected under 35 U.S.C. 102(B) as being clearly anticipated by United States Patent Application Publication US 2002/0140225, Nishiyama et al.

In regards to claims 1, 2 and 4-8, Nishiyama et al disclose a resin tube-equipped quick connector for connecting a fuel-transporting resin tube (4) to a mating pipe, comprising

a connector body (5), a retainer (22) and a seal member (9,10);

wherein the connector body has a generally tubular shape as a whole, and has a retainer holding portion at one axial side thereof, and also has at the other side thereof a press-fitting portion which is press-fitted into the interior of the resin tube from one end thereof, press-fitting portion including first and second annular projections disposed respectively adjacently to first and second root portions along a length L thereof;

wherein the retainer is a member adapted to be held in the retainer holding portion, and is engaged with a convex or concave pipe-side engagement portion, formed on an outer peripheral surface of the mating pipe and spaced from an axial insertion-side end thereof, so as to fix the inserted mating pipe in the axial direction;

wherein the seal member is mounted within the connector body at an inner region thereof disposed closer to the press-fitting portion than the retainer holding portion is disposed, and the seal member is brought into contact with an outer peripheral surface of an insertion end portion of the inserted mating pipe disposed closer to the distal end of the mating pipe than the pipe-side engagement portion is disposed, thereby forming an air-tight seal between the insertion end portion and an inner surface of the connector body; and

the resin tube including a press-fit undergoing portion into which the press-fitting portion is to be press-fitted,

wherein before the press-fitting portion is press-fitted into the press-fit undergoing portion, the press-fit undergoing portion is formed with an inner diameter the is substantially equal to an outer diameter of the root portions of the press-fitting portion, and

after the press-fitting portion is press-fitted into the press-fit undergoing portion of the resin tube, the press-fitting portion is adapted to cause portions of its inner diameter facing the root portions of its inner diameter facing the root portions to become equal to the outer diameter of the root portions, so that and the press- fitting portion is press-fitted in the tube diameter-expanded press-fit undergoing portion to be integrated with the press-fitting portion in a withdrawal-preventing condition.

Note, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, the beforehand expansion limitation is given little patentable weight.

Response to Arguments

Applicant's arguments filed 7/8/2008 have been fully considered but they are not persuasive.

Applicant argues that Nishiyama et al fail to disclose the method of forming a resin tube-equipped quick connector. The Examiner disagrees. Applicant's claims are drawn to an apparatus and not a method of forming, so the method of forming the apparatus is not germane to the issue of patentability of the apparatus itself. It appears as though Applicant is attempting to claim an intermediate step of forming the connector in conjunction with the final usable apparatus. The original disclose clearly illustrates when the connector is usable/disassembled and when it is not. The original disclose recites:

Fig. 1 is a view showing one preferred embodiment of a resin tube-equipped quick connector of the present invention connected to a mating pipe.

Fig. 2 is a view showing the quick connector of the above embodiment disassembled into a connector body and a retainer, and also showing a condition before the connector is connected to the mating pipe.

Fig. 3 is a view showing the quick connector of the above embodiment disassembled into the connector body and the retainer, and also showing the mating pipe in a condition before the connection and a resin tube in a condition before the press-fitting.

Fig. 4 is a view showing a press-fitting portion of the connector body and the resin tube of the above embodiment, showing a condition before they are press-fitted together.

Figs. 5A, 5B and 5C are views showing a method of forming a press-fit undergoing portion of the resin tube of the above embodiment.

Figs. 6A and 6B are views showing other embodiments of the present invention, respectively.

Fig. 7 is a view showing a further embodiment of the present invention.

Further, MPEP 2106 recites:

35 U.S.C. 101 defines four categories of inventions that Congress deemed to be the appropriate subject matter of a patent: processes, machines, manufactures and compositions of matter. The latter three categories define "things" or "products" while the first category defines "actions" (i.e., inventions that consist of a series of steps or acts to be performed). See 35 U.S.C. 100(b) ("The term process means process, art, or method, and includes a new use of a known process, machine, manufacture, composition of matter, or material").

Clearly, Applicant is not arguing the latter categories of "things", but arguing a method of forming the connector.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/
Primary Examiner, Art Unit 3679

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